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0330

DOCKET NO.: 1999.06.007.WS0
CLIENT NO.: SAMS01-00059
CUSTOMER NO.: 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : JAMES S. BRUNSON ET AL.
U. S. Serial No. : 09/217,235
Filing Date : December 21, 1998
Title : ANTENNA MOUNTING APPARATUS
Art Unit No. : 2821
Examiner : Tan Ho

Office of Petitions
2201 South Clark Place
Suite 3C23
Arlington, VA 22202

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

- 1) Status Inquiry; and
- 2) A postcard receipt.

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Office of Petitions, 2201 South Clark Place, Suite 3C23, Arlington, VA 22202, on August ,
25 2004.

Date: Aug 25, 2004

Date: 24 August 2004

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ATTORNEY DOCKET NO.: 199.06.007.WS0

PATENT

CLIENT ID.: SAMS01-00059

Customer No.: 23990

SEP 01 2004
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : James S. Brunson et al.
Serial No. : 09/217,235
Filed : December 21, 1998
For : ANTENNA MOUNTING APPARATUS
Group No. : 2821
Examiner : Tan Ho

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2201 South Clark Place
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OFFICE OF PETITIONS

STATUS INQUIRY

A Petition to Withdraw Holding of Abandonment was filed with the Office of Petitions on April 21, 2004. A copy of the return receipt postcard forwarding the Petition to Withdraw Holding of Abandonment is attached. Please advise us of the status of this application as soon as possible.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 24 August 2004

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PATENT

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In re application of : James S. Brunson, et al.

U.S. Serial No. : 09/217,235

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Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

In response to the Notice of Abandonment mailed April 6, 2004, Applicant submits this Petition.

An Amendment Under 37 C.F.R. §1.111 was mailed to the United States Patent and Trademark on January 14, 2000 and received by the United States Patent and Trademark Office on January 19, 2000. The Certificate of Mailing was signed by Laura Zavala and the undersigned attorney of record, John T. Mockler. A copy of the documents as filed are attached hereto. Also attached is a copy of the date-stamped postcard receipt showing receipt of the Amendment on January 19, 2000 by the United States Patent and Trademark Office.

DOCKET NO. 1999.06.007.WS0
CLIENT NO. SAMS01-00059
U.S. SERIAL NO. 09/217,235
PATENT

Applicant respectfully requests that the holding of abandonment be withdrawn and the application be allowed to pass to issuance.

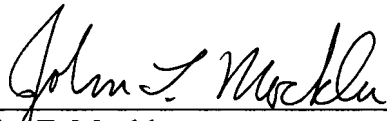
While no fee is believed to be due for the filing of this Petition, the Commissioner is authorized to charge any additional fees or credit any overpayment of fees due by virtue of this Petition to DAVIS MUNCK Deposit Account No. 50-0208.

If the Examiner requires any further assistance in this matter, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 21 April 2004



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Registration No. 39,775

Docket Clerk
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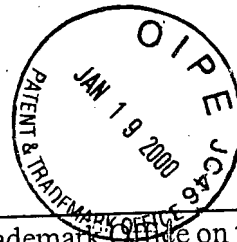
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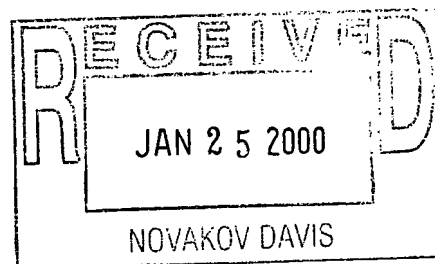
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Mailed: January 14, 2000
In re Application of: BRUNSON, ET AL.
U.S. Serial No.: 09/217,235
Filed: December 21, 1998
For: ANTENNA MOUNTING APPARATUS
Docket No.: SAMS01-00059



The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Amendment Under 37 C.F.R. §1.111; and
- 2) Letter to Official Draftsman, with two (2) sheets of formal drawings.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Brunson, et al.

U.S. Serial No. : 09/217,235

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OFFICE OF PETITIONS

Assistant Commissioner of Patents
Box Non-Fee Amendment
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents Box Non-Fee Amendment, Washington, D.C. 20231, on 1-14-00 (Date)

LAWRENCE ZAVALA

(Printed or typed name of person signing the certificate)

[Signature]

(Signature of the person signing the certificate)

AMENDMENT UNDER 37 C.F.R. §1.111

This Amendment is responsive to the Office Action dated October 14, 1999 in the above-identified patent, which has a shortened statutory period of response set to expire on January 14, 2000.

IN THE CLAIMS

Please amend Claim 10 and Claim 20 as follows:

10. [Amended] The apparatus for mounting set forth in Claim 1 wherein said first

selected antenna is adjustably attached to said at least one support arm, such that said first selected antenna [may be] is capable of being tilted with respect to the horizon in a plurality of positions.

20. [Amended] The antenna mounting system set forth in Claim 11 wherein said first and second selected antennas are adjustably attached to said at least one upper support arm and said at least one lower support arm, respectively, such that said first and second selected antennas [may be] are capable of being tilted with respect to the horizon in a plurality of positions.

REMARKS

Claims 1-20 are pending in the application.

Claims 11-20 have been allowed.

Claims 1-9 have been rejected by the Examiner.

Claims 3, 10, 12, 13 and 20 have been objected to by the Examiner.

Claims 1-20 are attached hereto in Appendix A in their current amended form for the Examiner's easy reference.

In Section 1 of the October 14, 1999 Office Action, the Examiner stated that the informal drawings filed with the original application were acceptable for examination purposes. The drawings were objected to by the Draftsperson under 37 C.F.R. §1.84 for a number of reasons. The Applicants submit formal drawings for review by the Draftsperson under separate cover.

In Section 2 of the Office Action dated October 14, 1999, the Examiner objected to the

drawings under 37 C.F.R. §1.83(a) for not showing “every feature of the invention specified in the claims.” Each of Claims 3, 12 and 13 claimed an embodiment of the invention wherein a plurality of brackets was claimed as “four brackets.” Although the specification described an embodiment of the invention having four brackets (page 13, lines 5-12), that embodiment was not shown in the drawings. The Examiner stated that the “four brackets” in Claim 3, Claim 12 and Claim 13 must be shown in the drawings or the “four brackets” feature must be canceled from the claims.

Applicants respectfully traverse the Examiner’s position that four brackets feature must be shown in the drawings. Applicants have claimed an embodiment of the invention having a plurality of brackets. To illustrate and provide a proper understanding of the invention, Applicants have described three brackets in the specification and have shown three brackets in the drawings. Applicants have also described four brackets in the specification. The embodiment containing four brackets clearly operates in the same manner as the three brackets embodiment. A proper understanding of the invention does not require that four brackets also be shown explicitly in additional drawings.

Applicants respectfully submit that the Examiner’s position is an overly strict interpretation of 37 C.F.R. §1.83(a). The Examiner’s position would require the Applicants to show five brackets in the drawings if the Applicants claimed five brackets. A similar result would obtain for six brackets, and so on, for each added bracket. Applicants respectfully submit that the disclosure of three brackets in the specification and in the drawings adequately supports any claim to a plurality of brackets. Applicants also respectfully submit that the disclosure of four brackets in the

specification coupled with the disclosure of three brackets in the specification and drawings adequately supports Claim 3, Claim 12 and Claim 13 under 37 C.F.R. §1.83(a). Applicants respectfully request the Examiner to withdraw the objections to these claims.

In Section 3 of the October 14, 1999 Office Action, the Examiner rejected Claim 10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the presence of the words "may be" were said to render the claim indefinite. In Section 8 of the October 14, 1999 Office Action, the Examiner stated that Claim 10 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claim. In response the Applicants have amended Claim 10 to delete the words "may be" and replace them with the words "is capable of being." Applicants respectfully submit that this amendment removes any indefiniteness in Claim 10. Applicants respectfully submit that Claim 10 is now in condition for allowance and respectfully requests the Examiner to allow Claim 10 in its amended form.

In Section 3 of the October 14, 1999 Office Action, the Examiner rejected Claim 20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the presence of the words "may be" were said to render the claim indefinite. In Section 9 of the October 14, 1999 Office Action, the Examiner stated that Claim 20 was allowed. Applicants have amended Claim 20 so that Claim 20 will be in a form that will not be subject to the rejection

under 35 U.S.C. §112, second paragraph, set forth in the Office Action of October 14, 1999. Specifically, Applicants have amended Claim 20 to delete the words “may be” and replace them with the words “are capable of being.” Applicants respectfully submit that this amendment removes any indefiniteness in Claim 20. Applicants respectfully submit that Claim 20 is in condition for allowance and respectfully request the Examiner to allow Claim 20 in its amended form.

In Sections 4 and 5 of the Office Action dated October 14, 1999, the Examiner rejected Claim 1, Claim 2, Claim 8 and Claim 9 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,467,955 to *Beyersmith* (hereafter, *Beyersmith*). Applicants respectfully traverse the Examiner’s assertion that Claim 1, Claim 2, Claim 8 and Claim 9 are anticipated by *Beyersmith*. The Examiner stated “*Beyersmith* discloses, in Figures 1-4, an antenna platform for mounting a plurality of antennas on a monopole comprising a pole 12, a plurality of brackets 16 each having support arms (50,52) capable of attaching to the antenna element, a pole facing portion 54 capable of engaging a surface of the pole, and a plurality of tightening means 18 for connecting the brackets together.” (Page 3, Section 5 of the Office Action).

The structure disclosed in *Beyersmith* is an antenna mounting platform 10. That is, the support arms (50,52) (referred to as “outriggers” in *Beyersmith*) are *not* connected to the antennas. They are connected to frame 14 of antenna mounting platform 10. “The first and second outriggers 50 and 52 thereby mount the base 48 of each bracket 16 to the frame 14.” (*Beyersmith*, Col. 3, Lines 44-45).

The antennas in *Beyersmith* may be connected to deck 23 or rail 36 of frame 14. “The

deck 23 provides a surface on which antennas can be mounted ..." (*Beyersmith*, Col. 3, Lines 17-18).

"Antennas can then be mounted on the deck 23 and the rail 36 of the frame 14." (*Beyersmith*, Col. 5, Lines 28-29).

Beyersmith contemplates using antennas that are capable of being connected to a frame or a deck. *Beyersmith* does not disclose any structure on the "outriggers" (50, 52) that is "capable of attaching to the antenna element." The ends of the "outriggers" (50, 52) under frame 14 as shown in FIGURE 1 and FIGURE 2 are plain rectangular ends for supporting frame 14. There is nothing on the ends of the "outriggers" (50, 52) "capable of attaching to the antenna element." There is nothing on the end of the "outriggers" (50, 52) for directing antennas in a desired direction.

The Applicants respectfully direct the Examiner's attention to Claim 1, which recites unique and novel limitations:

1. An apparatus for mounting a plurality of antennas on a utility pole, said apparatus for mounting comprising:

a plurality of brackets capable of encircling said utility pole and supporting said plurality of antennas, each of said plurality of brackets comprising:

at least one support arm capable of attaching to a first selected one of said plurality of antennas; and

a faceplate capable of engaging a surface of said utility pole; and

a plurality of tightening means, each of said tightening means connecting a first selected one of said plurality of brackets and a second selected one of said plurality of brackets, wherein said plurality of tightening means are capable of drawing said plurality of brackets encircling said utility pole closer together, such that said faceplate of said each of said plurality of brackets is pressed more firmly against said surface of said utility pole. (emphasis added).

Applicants respectfully direct the Examiner's attention to the fact that the support arms of the Applicants' invention are capable of attaching directly to the antennas and are capable of directing the antennas in a desired direction. Applicants respectfully submit that the claim

limitations emphasized above are neither disclosed nor suggested in the *Beyersmith* patent. Applicants respectfully assert that Claim 1 contains patentable subject matter. Because Claim 2, Claim 8 and Claim 9 are dependent upon Claim 1, they also contain the same unique and novel limitations found in Claim 1. Therefore, Claim 2, Claim 8 and Claim 9 are also patentable. Applicants respectfully submit that Claim 1, Claim 2, Claim 8 and Claim 9 are not anticipated by *Beyersmith* under 35 U.S.C. §102 (b). Applicants respectfully request the Examiner to withdraw the rejection of these claims.

In Sections 6 and 7 of the Office Action dated October 14, 1999, the Examiner rejected Claims 3-7 under 35 U.S.C. §103(a) as being unpatentable in view of *Beyersmith* and in view of United States Patent No. 4,194,459 to *Lisowski* (hereafter, *Lisowski*). Applicants respectfully traverse the Examiner's assertion that Claims 3-7 are obvious in view of *Beyersmith* and *Lisowski*.

Lisowski discloses "a hardware system for boats which resists torque tending to rotate said hardware around a rail...." (Claim 1, Col. 8, Lines 20-21) (emphasis added). The hardware disclosed in *Lisowski* is designed to clamp onto rail 22. *Lisowski* teaches that a "rubber plug 65 provides friction between the clamp and the rail ..." (Col. 5, Lines 4-5). FIGURE 3A and FIGURE 3B of *Lisowski* show that plug 65 covers approximately one sixth (1/6) of the circumference of rail 22.

As previously described, *Beyersmith* teaches that antennas are to be attached to rail 36. *Lisowski* combined with the teaching of *Beyersmith* teaches the addition of rubber plug 65 to a clamp used to attach an antenna to the rail 36 of *Beyersmith*. *Lisowski* does not teach or suggest the addition of friction reducing means to large areas such as the back plates 58 of *Beyersmith*. This is

readily seen from the fact that the rubber plug 65 of *Lisowski* covers such a small portion (i.e., one sixth) of the circumference of rail 22 (or rail 36 of *Beyersmith*). Applicants respectfully affirm that it would not have been obvious to attach friction reducing means to large areas such as the back plates 58 of *Beyersmith* based on the disclosure set forth in *Lisowski* because *Lisowski* is directed to small areas such as the rail structures found on boats.

Applicants respectfully assert that the unique and novel claim limitations in Claim 1 are not disclosed or suggested in the *Lisowski* patent, or the *Beyersmith* patent, or in the combination of the *Lisowski* patent and the *Beyersmith* patent. Applicants respectfully assert that Claim 1 contains patentable subject matter. Because Claims 3-7 are dependent upon Claim 1, they also contain the same unique and novel limitations found in Claim 1. Therefore, Claims 3-7 are also patentable.

Applicants respectfully submit that Claim 3, Claim 4, Claim 5, Claim 6 and Claim 7 are not obvious under 35 U.S.C. §103(a). Applicants respectfully request the Examiner to withdraw the rejections of Claims 3-7 and that these claims be allowed in the present application.

Applicants deny any position or averment of the Examiner that is not specifically addressed by the foregoing argument and response.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration of the application and allowance of the claims and that this Application be passed to issue. Any fee due by virtue of this Amendment should be charged to Deposit Account No. 50-0208. If any outstanding

issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

NOVAKOV ❖ DAVIS, P.C.



John T. Mockler
Registration No. 39,775

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APPENDIX A

1. An apparatus for mounting a plurality of antennas on a utility pole, said apparatus for mounting comprising:

a plurality of brackets capable of encircling said utility pole and supporting said plurality of antennas, each of said plurality of brackets comprising:

at least one support arm capable of attaching to a first selected one of said plurality of antennas; and

a faceplate capable of engaging a surface of said utility pole; and

a plurality of tightening means, each of said tightening means connecting a first selected one of said plurality of brackets and a second selected one of said plurality of brackets, wherein said plurality of tightening means are capable of drawing said plurality of brackets encircling said utility pole closer together, such that said faceplate of said each of said plurality of brackets is pressed more firmly against said surface of said utility pole.

2. The apparatus for mounting set forth in Claim 1 wherein said plurality of brackets comprise three brackets.

3. The apparatus for mounting set forth in Claim 1 wherein said plurality of brackets comprise four brackets.

4. The apparatus for mounting set forth in Claim 1 wherein at least a portion of a surface of said faceplate capable of engaging said surface of said utility pole is covered by a layer of rubber.

5. The apparatus for mounting set forth in Claim 1 wherein at least a portion of a surface of said faceplate capable of engaging said surface of said utility pole is covered by ridges.

6. The apparatus for mounting set forth in Claim 1 wherein at least a portion of a surface of said faceplate capable of engaging said surface of said utility pole is covered by sharp points.

7. The apparatus for mounting set forth in Claim 1 wherein at least a portion of a surface of said faceplate capable of engaging said surface of said utility pole has a rough texture capable of increasing friction with said surface of said utility pole.

8. The apparatus for mounting set forth in Claim 1 wherein said each of said plurality of brackets comprises a first support arm and a second support arm, wherein said first support arm is capable of attaching to one side of said first selected antenna and said second support arm is capable of attaching to an opposing side of said first selected antenna.

9. The apparatus for mounting set forth in Claim 1 wherein said plurality of tightening

means comprise a plurality of bolts.

10. The apparatus for mounting set forth in Claim 1 wherein said first selected antenna is adjustably attached to said at least one support arm, such that said first selected antenna is capable of being tilted with respect to the horizon in a plurality of positions.

11. An antenna mounting system for mounting a plurality of antennas on a utility pole, said antenna mounting system comprising:

at least three upper brackets capable of encircling said utility pole and supporting said plurality of antennas, at least one of said at least three upper brackets comprising at least one upper support arm capable of attaching to an upper portion of a first selected one of said plurality of antennas and a first faceplate capable of engaging a surface of said utility pole; and

at least three lower brackets capable of encircling said utility pole and supporting said plurality of antennas, at least one of said three lower brackets comprising at least one lower support arm capable of attaching to a lower portion of a second selected one of said plurality of antennas and a second faceplate capable of engaging said surface of said utility pole; and

a plurality of tightening means, a first tightening means connecting a first of said at least three upper brackets and a second of said at least three upper brackets and a second tightening means connecting a first of said at least three lower brackets and a second of said at least three lower brackets, wherein said first and second tightening means are capable of drawing said at least three upper brackets and said at least three lower bracket, respectively, closer together, such that said faceplate of said each of said at least three upper brackets and said faceplate of said each of said at least three lower brackets are pressed more firmly against said surface of said utility pole.

12. The antenna mounting system set forth in Claim 11 wherein said at least three upper brackets comprise four brackets.

13. The antenna mounting system set forth in Claim 11 wherein said at least three lower brackets comprise four brackets.

14. The antenna mounting system set forth in Claim 11 wherein at least a portion of a surface of said first faceplate and at least a portion of a surface of said second faceplate are covered by a layer of rubber.

15. The antenna mounting system set forth in Claim 11 wherein at least a portion of a surface of said first faceplate and at least a portion of a surface of said second faceplate are covered by ridges.

16. The antenna mounting system set forth in Claim 11 wherein at least a portion of a surface of said first faceplate and at least a portion of a surface of said second faceplate are covered

by sharp points.

17. The antenna mounting system set forth in Claim 11 wherein at least a portion of a surface of said first faceplate and at least a portion of a surface of said second faceplate have rough textures capable of increasing friction with said surface of said utility pole.

18. The antenna mounting system set forth in Claim 11 wherein each of said at least three upper brackets comprises a first upper support arm and a second upper support arm, wherein said first upper support arm is capable of attaching to one side of said upper portion of said first selected antenna and said second upper support arm is capable of attaching to an opposing side of said upper portion of said first selected antenna.

19. The antenna mounting system set forth in Claim 11 wherein each of said at least three lower brackets comprises a first lower support arm and a second lower support arm, wherein said first lower support arm is capable of attaching to one side of said lower portion of said second selected antenna and said second lower support arm is capable of attaching to an opposing side of said lower portion of said second selected antenna.

20. The antenna mounting system set forth in Claim 11 wherein said first and second selected antennas are adjustably attached to said at least one upper support arm and said at least one lower support arm, respectively, such that said first and second selected antennas are capable of being tilted with respect to the horizon in a plurality of positions.

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Group No. : 2821
Examiner : Tan Ho

Box Non-Fee Amendment
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

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LAURA ZAVALA
(Printed or typed name of person signing the certificate)

Laura Zavala
(Signature of the person signing the certificate)

LETTER TO OFFICIAL DRAFTSMAN

Pursuant to the Notice of Draftsperson's Patent Drawing Review attached to Paper No. 2,
Applicants submit revised drawings for Figures 1-2 for approval by the Official Draftsman.

Respectfully submitted,

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John T. Mockler
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ATTORNEY DOCKET NO. : 1999.06.007.WS0

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

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1. Postcard Receipt;
2. Petition to Withdraw Holding of Abandonment;
3. Copy of Amendment Under 37 C.F.R. §1.111, Certificate of Mailing by First Class Mail, and postcard receipt as mailed to the U.S. Patent and Trademark Office on January 14, 2000; and,
4. Copy of date-stamped postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to: OFFICE OF PETITIONS, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23 Arlington, VA 22202, on April 21, 2004.

Date: April 21, 2004

Kathy Hamilton
Mailer

Date: 21 April 2004

John T. Mockler
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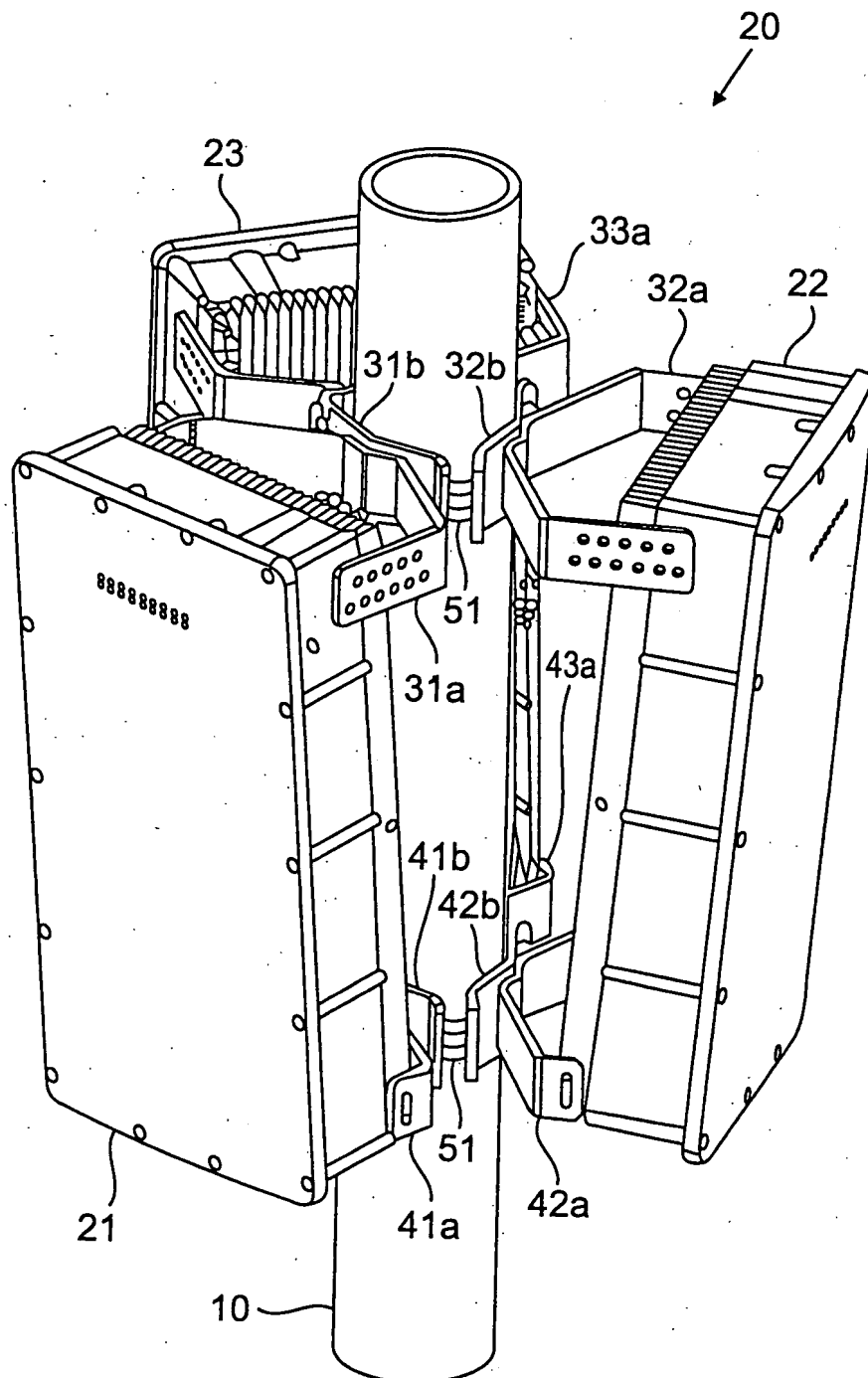


FIG. 1

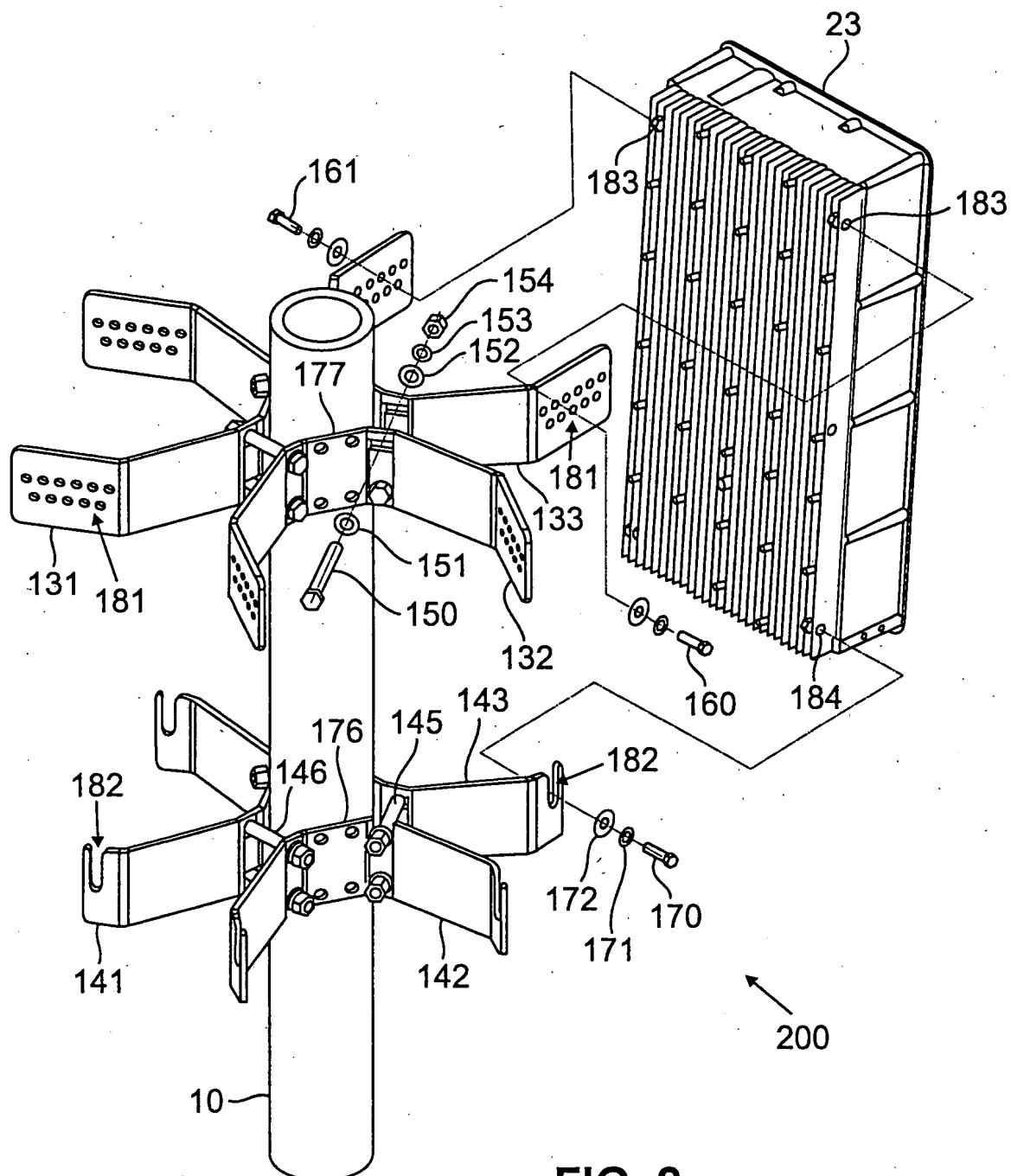


FIG. 2